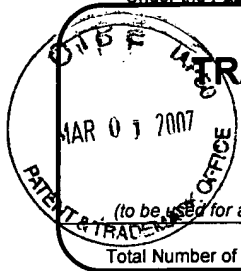


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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/661,698
Filing Date	Sept. 12, 2003
First Named Inventor	Faircloth et al.
Art Unit	3673
Examiner Name	Conley, Fredrick C.
Attorney Docket Number	PIL001

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1. Interview Summary 2. Request for fees from prior Appeal to be applied to this Appeal (see Notice of Appeal)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>J Faircloth</i>		
Printed name	Julia S. Faircloth		
Date	2-26-07	Reg. No.	

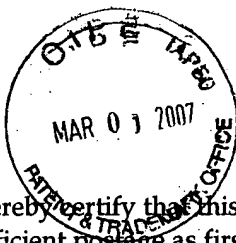
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>J Faircloth</i>		
Typed or printed name	Julia S. Faircloth	Date	2-26-07

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on this day of: 2-26-07
Print Name: Julia S. Faircloth
Signature: J Faircloth

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

<i>In re</i> Application of)	
)	Group Art Unit: 3673
Julia S. FAIRCLOTH et al.)	
)	Examiner: Conley, Fredrick C.
Serial Number: 10/661,698)	
)	Attorney Reference: PIL001
Filed: September 12, 2003)	
)	
For: PLAY PILLOW WITH HIDING SPACE)	

NOTICE OF APPEAL

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby give Notice of Appeal and file an Appeal Brief herewith to the Board of Patent Appeals and Interferences from the Examiner's decision of Nov. 28, 2006 finally rejecting claims 1-2 and 4-11, 14-15, 18, 21, 23-31, 34 of claims 1-2 and 4-36 pending in the above-captioned patent application.

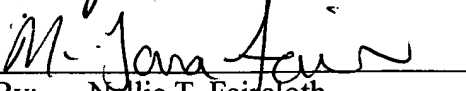
Appellants request that fees associated with earlier filed Notice of Appeal and Appeal Brief mailed September 15, 2005 but now withdrawn be applied here. Thus:

- a) A \$250 small entity Notice of Appeal fee was mailed Sept. 15, 2005.
- b) A \$250 small entity Appeal Brief filing fee was mailed Sept 15, 2005.

It is believed that no additional fees are due in connection with this Appeal Brief, however if fees are determined to be due, please charge the credit card submitted herewith.

Respectfully submitted,


By: Julia S. Faircloth


By: Nellie T. Faircloth

DATE: 2-26-07

Julia S. Faircloth
Nellie T. Faircloth
11025 NE Hurley Lane
Newberg, OR 97132
Ph. 503-538-5192
Cell. 503-550-7945

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**Certificate of Mailing under 37 CFR 1.8**

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Alexandria, VA 22313-1450

on

2-26-07

Date

Signature

Julia S. Faircloth

Typed or printed name of person signing Certificate

Registration Number, if applicable

503 550 7945

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

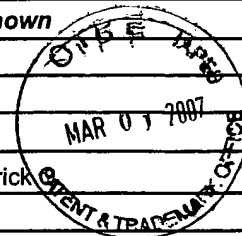
For FY 2007

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.

Complete if Known

Application Number 10/661,698
 Filing Date Sept. 12, 2003
 First Named Inventor Faircloth et al
 Examiner Name Conley, Frederick
 Art Unit 3673
 Attorney Docket No. PIL001



METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fees Paid (\$)

SUBMITTED BY

Signature <i>J Faircloth</i>	Registration No. (Attorney/Agent)	Telephone 503 550 7945
Name (Print/Type) Julia S. Faircloth		Date 2-26-07

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

<i>In re</i> Application of)	
)	Group Art Unit: 3673
Julia S. FAIRCLOTH et al.)	
)	Examiner: Conley, Fredrick C.
Serial Number 10/661,698)	
)	Attorney Reference: PIL001
Filed: September 12, 2003)	
)	
For: PLAY PILLOW WITH HIDING SPACE)	

INTERVIEW SUMMARY RECORD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

On January 25, 2007, Applicants contacted Examiner Conley regarding a proposed after final amendment. The conference call included inventor Julia Faircloth, assisting patent attorney Jeanne Elpel reg. 41,456, Examiner Fredrick Conley, and his supervisor, Patricia Engle, SPE.

Discussed were proposed amendments to claims 1, 23, 25-26 and 34, faxed to Examiner Conley on Jan. 8, 2007.

Discussed a proposed amendment setting forth that the door is framed by the front surface of the pillow. Examiner Conley argued that the size of the door is merely aesthetic. Applicant countered that sewing the door to the front surface of the pillow requires an extra manufacturing step which is not achieved by sewing around the exterior of the pillow. Applicant also stated that the door attracts people to the pillow and that pillow remains unique and novel at gift shows and to new customers.

Applicant requested clarification on the combination of Herdal in view of Redman regarding "...Redman discloses a pillow having a door..." (see Office Action mailed 11/28/2006, page 3, par. 3, line 9). It is still not clear how the Redman pocket can be seen as being a door, since in no way does the pocket of Redman open like a door. If the pocket did open there would be no cavity. The Examiner merely stated that Redman shows some kind of structure centrally located on a pillow.

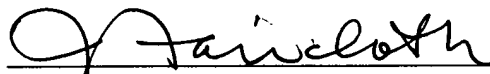
Discussed amending the claims to set forth a percentage of billowing. The Examiner thought the degree of billowing is dependent on more or less filling or stuffing therefore would be considered

a matter of design. Applicant maintains that Applicants' invented the large degree of billowing to "snuggly" hold a stuffed animal, and that this relationship is new and novel.

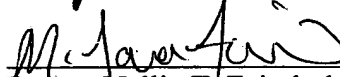
Examiner Conley mentioned that the pillow art is a crowded art. Examiner Conley also stated that the proposed amendment would not be entered as the amendment does not overcome the rejections.

Applicant again requested help with making the claims allowable. Examiner Conley said there was allowable subject matter in the case and had no further suggestions. Applicant said that the presently allowed claims are drawn to the higher end, 'bells and whistle,' pillow embodiments having additional features and that what was needed was a claim on the embodiment of Figure 1 which is the mainstay pillow of Applicants' business.

Respectfully submitted,



By: Julia S. Faircloth



By: Nellie T. Faircloth

Dated: 2-26-07

Julia S. Faircloth
Nellie T. Faircloth
11025 NE Hurley Lane
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Ph. 503-538-5192
Cell. 503-550-7945

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Alexandria, VA 22313-1450

on this day of:

2-26-07

Print Name:

Julia S. Faircloth

Signature:

